

## **REMARKS/ARGUMENTS**

The Office Action dated September 26, 2006 has been carefully considered. Claims 10-20 are pending in the application, with claim 10 being the only independent claim. Claims 10-18 have been amended. Claims 19 and 20 have been added. Reconsideration of the application, as amended herein and in view of the following remarks, is respectfully requested.

### **Terminologies**

The Examiner finds the terminologies or expressions “fittings,” “leaf,” “elastic mass” and “side parts” to be problematic, and requests applicant to “provide a clarification of these matters or correlation with art-accepted terminology.” As recited above, the expressions “leaf,” “leaves” and “side parts” have been changed to “door leaf,” “door leaves” and “side panels,” respectively. The expression “side panels” is believed to be acceptable because it is generally accepted in the art. The expressions “fittings” and “door leaf” have been used and accepted by the PTO. *See, e.g.*, U.S. Patent Nos. 7,065,836 (“fitting”), 6,966,586 (“fittings”), 6,826,868 (“door leaf”) and 6,959,949 (“door leaf”). Although the expression “elastic mass” covers adhesive of silicone, applicant prefers to use the broader expression “elastic mass” in the present application. After all, applicant is permitted to use his own terminology, as long as it can be understood. *See* MPEP §608.01(g). Judged by the Examiner’s interpretation, a person with ordinary skill in the art would not have any difficulties understanding the meaning of the expression “elastic mass.”

In view of the above amendments and explanations, applicant respectfully requests that the expressions “fittings,” “door leaf,” “door leaves,” “elastic mass” and “side panels” be accepted.

### Rejection of the Claims under 35 U.S.C. §102 and §103

Claim 10 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,523,414 (*Horgan*). Applicant has amended claim 10 to more clearly distinguish the claimed invention over *Horgan*. Amended claim 10 recites the following:

“a frameless transom panel between the side panels, the transom panel being held by the side panels and the top structure; and

a rotatable door leaf between the side panels and below the transom panel, the door leaf being rotatably supported exclusively at the transom panel and the base by fittings, said fittings comprising complementary first and second fitting parts, said first fitting part being fixed to the door leaf panel and said second fitting part being fixed directly to the frameless transom panel, said first and second fitting parts cooperating to permit rotation” (emphasis added).

Applicant respectfully submits that amended claim 10 is not anticipated by *Horgan* because *Horgan* does not disclose, either expressly or inherently, each and every element as set forth in amended claim 10. In particular, *Horgan* does not disclose, teach or suggest the above-highlighted limitations of amended claim 10.

*Horgan* relates to a glass door assembly 10 which has two sidelights 14, 15, a transom 13 disposed between the two sidelights 14, 15, and two doors 11, 12 disposed below the transom 13 and between the two sidelights 14, 15. See Fig. 1 and col. 3, lines 4-8 of *Horgan*.

The glass door assembly 10 further has a transom bar 20 which is disposed between the transom 13 and the doors 11, 12, and has a length wider than the space between the sidelights 14, 15. Each end of the transom bar 20 has a channel 23 for receiving a respective sidelight 14, 15. Each end of the transom bar 20 also has a pressure pad 26 in the channel 23 and a tightenable threaded member 27 associated with the pressure pad 26 so that each end of the transom bar 20 can be securely tied in to a respective sidelight 14, 15. The transom 13 is carried by the transom bar 20 which in turn is carried by a pair of support rods 30 hanging from the ceiling 16. See Figs. 1-4 and col. 3, lines 15-61 of *Horgan*. Thus, functionally, the transom bar 20 constitutes a frame

for the transom 13. In other words, *Horgan* discloses a framed transom panel. Therefore, *Horgan* does not disclose a frameless transom panel, as expressly recited in amended claim 10 of the present application.

Moreover, in *Horgan*, each door 11, 12 has pivots 60, 61 at its upper and lower ends. The pivot 60 has a pivot pin 62 which is rotationally accommodated by a pivot pin bearing 63 carried in a recess 64 in the transom bar 20. *See* Fig. 1-4 and col. 4, lines 5-11 of *Horgan*. In other words, in *Horgan*, each door 11, 12 is rotatably supported at the transom bar 20 by the pivot 60, and the pivot pin bearing 63 of the pivot 60 is directly fixed to the transom bar 20 instead of being directly fixed to the transom 13. Therefore, *Horgan* does not disclose the limitations “said first fitting part being fixed to the door leaf panel and said second fitting part being fixed directly to the frameless transom panel” (emphasis added) of amended claim 10.

In view of these differences, withdrawal of the 35 U.S.C. §102(b) rejection of claim 10 is respectfully requested.

Moreover, since *Horgan* explicitly teaches using the transom bar 20 and the support rods 30 to support the transom 13, there is no suggestion or motivation in *Horgan* to eliminate the transom bar 20 and the support rods 30 and to directly fix the pivot pin bearings 63 to the transom 13. Accordingly, it is respectfully submitted that the above-discussed differences between amended claim 10 and *Horgan* clearly and patentably distinguish amended claim 10 thereover under 35 U.S.C. §103(a).

Dependent claims 11-20 are patentable for at least the same reasons that independent claim 10 is patentable, as well as for the additional limitations recited therein.

In particular, it is noted that *Horgan* does not disclose the limitations “a permanently elastic mass ... frictionally engaging the transom panel ... in the channels” of claim 16 of the present

application. In *Horgan* the top portion of the transom 13 is received in a header 33 and between appropriate pads 46 (*see* Fig. 3 and col. 3, lines 56-61 of *Horgan*). Thus, *Horgan* does not disclose using a permanently elastic mass in the header 33. Furthermore, *Horgan* does not suggest using a permanently elastic mass in the header 33 to frictionally engage the transom 13 either because as discussed above the transom 13 is carried by the transom bar 20 and the support rods 30, not by the header 33.

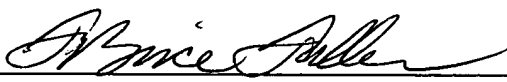
### Conclusion

In view of all of the above, applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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